

THE SANCHEZ LAW FIRM

2300 M Street, N.W. Suite 800

Washington, D.C. 20037

Ernest T. Sanchez

Attorney at Law

Telephone: (202) 237-2814

Fax: (202) 237-5614

Email: esanchez@bellatlantic.net

December 2, 2005

Ms. Marlene Dortch

Secretary

Federal Communications Commission

445 12th Street S.W.

Washington, D.C. 20554

RECEIVED

DEC - 2 2005

Federal Communications Commission
Office of Secretary

In the Matter of

Amendment of Section 73.202(b),

Table of Allotments,

FM Broadcast Stations.

(Aguila, Apache Junction, Buckeye, Glendale,

Peoria, Wenden, and Wickenburg, Arizona)

)

)

)

)

)

MB Docket No. 05-270

RM-11268

RM-11272

Dear Ms. Dortch:

On behalf of the Black Entrepreneur Association, Inc., ("BEA") we hereby file an original and four (4) copies of these Reply comments in connection with the above referenced rulemaking. Part of this rulemaking involves a proposal put forward by BEA to allocate FM channel 229C3 to Wickenburg, AZ. That proposal is opposed by Entravision Holdings, LLC ("Entravision.")

BEA is a non profit organization of Phoenix area black businessmen and other concerned citizens. BEA is deeply concerned about the lack of black owned media in the Phoenix metropolitan area and has proposed the allocation of channel 229C3 to Wickenburg, AZ as a very modest effort to offer a thoughtful black voice to the Phoenix community.

By contrast Entravision is a publicly traded national broadcast group owner based in Santa Monica, CA. In 2004 Entravision's revenues exceeded \$259 million dollars. Yet, Entravision does not believe there is any room in Wickenburg (or anywhere else in the Phoenix area) for BEA's proposed black owned station.

On its internet home page Entravision describes itself as follows:

Entravision Communications Corporation owns and operates one of the largest groups of Spanish-language radio stations in the United States. We own and operate 54 radio stations (41 FM and 13 AM), 53 of which are located in the top 50 U.S. Hispanic markets, including 37 stations in the top 15 U.S. Hispanic markets.

No. of Copies rec'd 047
List A B C D E

Our radio stations are located in fast-growing U.S. Hispanic markets, where approximately 20 million Hispanics live and work. The Hispanic consumer base in our radio markets accounts for approximately \$300 billion in consumer spending.

We have multiple radio stations in 15 markets, including six in Los Angeles, four in Dallas, four in Phoenix, four in McAllen, five in El Paso and three in Denver. A majority of our radio stations are strategically located in California and Texas, two states that represent approximately half of all U.S. Hispanics and contain the top 5 highest-density Hispanic markets in the United States. We own and operate 13 radio stations in three of these key high-density markets: McAllen-Brownsville, Texas; El Paso, Texas; and Yuma, Arizona-El Centro, California.

Our radio stations operate in 10 markets in which we also have television stations, creating excellent cross-promotional platforms to allow us to better reach Hispanic consumers. These 10 multi-media markets are: McAllen-Brownsville, Texas; Albuquerque, New Mexico; Denver, Colorado; El Paso, Texas; Las Vegas, Nevada; Monterey, California; Yuma, Arizona-El Centro, California; Palm Springs, California; Lubbock, Texas; and Reno, Nevada.

BEA does not seek to belittle the business skill, success or acumen of Entravision. It is incontrovertible that Entravision is an extremely successful company with its vision firmly fixed on its target market and its quarterly profits. BEA, however, does have concern about Entravision's stated unwillingness to consider allowing its huge media empire to coexist with BEA's proposed single Wickenburg station. What ever else one might say about Entravision and its successes, the company does not seem to play well with others. Entravision also does not seem to consider itself to have any obligation to be a good local citizen as well as a reliable source of profits for its mainly out of town shareholders.

Suppose for the sake of discussion, the FCC were to give Entravision the competing allocations that it is asking for in its proposal. Does that mean Entravision will make way next time for BEA or for some other black group to get a small voice in the market? BEA has no reason to think that Entravision, with its voracious appetite, will ever think that it has enough stations in a market.

Fortunately, the outcome of this allocation rulemaking does not rest on the ability of Entravision to display a bit of restraint in favor of a larger public interest. The FCC has been given a specific responsibility for making this public interest FM channel allocation decision. In particular, Section 307(b) of the Communications Act directs the Commission to "make such distribution of licenses . . . among the several States and communities as to provide a fair, efficient and equitable distribution of radio service . . ."

2. 47 U.S.C. § 307(b).

Further the Commission has requested that Entravision make a showing in accordance with Faye and Richard Tuck, Inc. ("Tuck"), 3 FCC Rcd 5374 (1988) of those factors which favor independent status for Peoria.

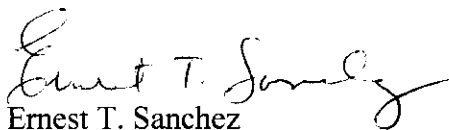
The Entravision proposal represents a classic case of "allocation gamesmanship." where following the strict rules of the game nevertheless allows the total subversion of the larger public interest that the allocation process is intended to support. It's hard to argue with the theory that the statutory 307(b) call for fairness and equity should not take into account the historic massive under representation of local black media voices. Entravision's attitude seems to be, "Sure that's a great idea. It just is not (choose one), reasonable, fair, appropriate, or technically feasible in this situation."

The only thing required for Entravision's allocation gamesmanship to succeed is to succumb to a couple of "legal fictions". The first one is that Peoria, surrounded by Phoenix, is not an integral part of Phoenix. The second legal fiction is that Wickenburg, about 45 miles from Phoenix, has more broadcast service than does Peoria. Somehow, those two concocted "legal fictions" are supposed to make irrelevant the lack of black media voices in the Phoenix area.

BEA respectfully requests that the Commission take a hard look at the genuine public interest considerations associated with the competing proposals and grant the BEA proposed allocation.

Please let me know if you have any questions about this filing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ernest T. Sanchez".

Ernest T. Sanchez

Counsel for Black Entrepreneur Association, Inc.

CC: Barry A. Friedman, Esq and Mark N. Lipp, Esq., Counsel for Entravision Holdings, LLC